

97CV4869-55-0

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U. S. DISTRICT COURT E.D. N.Y.
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TIME A.M. _____
P.M. _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SYDNEY E. MATTHEWS and
IRIS MATTHEWS,

97 CV 4869 (SJ)

Plaintiffs,

-against-

ORDER

GREYHOUND LINES, INC.
d/b/a GREYHOUND,

Defendant.

-----X
A P P E A R A N C E S:

DAVID M. PETERSON, P.C.
One World Trade Center- Suite 8471
New York, NY 10048
By: David M. Peterson
Attorney for Plaintiff

MCELFISH & ASSOCIATES, P.C.
350 Fifth Avenue, 66th Floor
New York, NY 10118
By: Tamara Lynn Smith
Attorney for Defendant

JOHNSON, District Judge:

Plaintiffs Sydney E. Matthews and Iris Matthews bring this action against Defendant Greyhound Lines, Inc. ("Greyhound") seeking damages for injuries Sydney Matthews allegedly sustained as a passenger in defendant's bus on January 12, 1997. Plaintiffs moved to join Robert Mitchell as a defendant in this matter pursuant to Rule 15(a) of the Fed. R. Civ. P. and to remand this case to state court pursuant to 28 U.S.C. § 1447(e). This Court referred the matter to Magistrate Judge

Marilyn Dolan Go for a report and recommendation. For the reasons stated below, the Court adopts Magistrate Go's report and recommendation.

A district judge may designate a magistrate to hear and determine such a pretrial matter pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. 28 U.S.C. § 636(b)(1). Within ten days of service of the recommendation, any party may file written objections to the magistrate's report. Id. Upon de novo review of those portions of the record to which objections were made, the District Judge may affirm or reject the recommendations. Id.

However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. See 28 U.S.C. § 636(b)(1); Small v. Sect'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989). While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations. Wood v. Schweiker, 537 F.Supp. 660, 661 (D.S.C. 1982).

In this case, objections to Magistrate Judge Go's recommendations were

due no later than October 23, 1998. No objections to the Magistrate's Report and Recommendation were filed with this Court.

Upon review of the recommendation, this Court adopts and affirms the Report and Recommendation of Magistrate Judge Go made on October 6, 1998.

SO ORDERED.

Dated: Brooklyn, New York
October 28, 1998



U.S.D.J.